

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30650 of 2017
Date of Decision: 28.09.2017

Raj Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Grover, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.128 dated 10.04.2017 registered for the offence punishable under Section 15 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Madhuban, District Karnal.

Heard.

Recovery effected from the petitioner is of 14 kgs. of poppy-husk, which falls in non-commercial quantity. Regarding other cases against the petitioner, learned counsel for the petitioner submits that he has already been acquitted in case bearing FIRs no. 37 dated 24.02.2005, 563 dated 18.12.2005 and 245 dated 09.11.2008. Trial in case bearing FIR No. 140 dated 06.03.2013 is pending in which petitioner is on bail. The petitioner was arrested in this case on 10.04.2017.

Without expressing any opinion on merits of the case and keeping in view nature of recovery and that conclusion of trial will take

considerably long time, the present petition is allowed. Petitioner-Raj Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 28, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No